

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 712

By: Rosino

AS INTRODUCED

An Act relating to hospitals; requiring the Department of Mental Health and Substance Abuse Services to provide opioid antagonists to hospitals; requiring hospitals to provide certain persons with opioid antagonist upon discharge except under certain conditions; authorizing use of certain technology; requiring provision of certain information and resources to patient; authorizing hospital to seek reimbursement under certain conditions; requiring certain reimbursement to hospital; providing certain construction; providing certain immunities; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-705 of Title 43A, unless there is created a duplication in numbering, reads as follows:

The Department of Mental Health and Substance Abuse Services shall provide opioid antagonists to hospitals for the purpose of implementing Section 2 of this act. The State Department of Health

1 shall provide necessary technical assistance for the implementation
2 of this section and Section 2 of this act.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1-706.21 of Title 63, unless
5 there is created a duplication in numbering, reads as follows:

6 A. A hospital shall provide a person who presents to an
7 emergency department with symptoms of an opioid overdose, opioid use
8 disorder, or other adverse event related to opioid use with two
9 doses of an opioid antagonist upon discharge, unless the treating
10 practitioner determines in his or her clinical and professional
11 judgment that dispensing or distributing the opioid antagonist is
12 not appropriate or the practitioner has confirmed that the patient
13 already has at least two doses of an opioid antagonist. If the
14 hospital dispenses or distributes an opioid antagonist, it must
15 provide directions for use.

16 B. A person who is provided an opioid antagonist under this
17 section shall be provided information and resources about medication
18 for opioid use disorder and harm reduction strategies and services
19 which may be available, such as substance use disorder treatment
20 services and substance use disorder peer counselors. This
21 information shall be available in all languages relevant to the
22 communities that the hospital serves.

1 C. If the opioid antagonist provided to a patient under this
2 section was not provided to the hospital by the Department of Mental
3 Health and Substance Abuse Services under Section 1 of this act and:

4 1. If the patient is covered under the state Medicaid program,
5 the hospital may bill the state Medicaid program for the opioid
6 antagonist utilizing the appropriate billing codes established by
7 the Oklahoma Health Care Authority. The state Medicaid program
8 shall reimburse such claims in accordance with applicable law,
9 rules, and contract terms. This billing shall be separate from and
10 in addition to the payment for the other services provided during
11 the hospital visit; or

12 2. If the patient has available health insurance coverage other
13 than coverage under the state Medicaid program, the hospital may
14 bill the patient's health plan for the cost of the opioid
15 antagonist, and the health plan shall reimburse such claims.

16 D. This section does not prohibit a hospital from dispensing an
17 opioid antagonist to a patient at no cost to the patient and at no
18 cost to a third-party payor out of the hospital's prepurchased
19 supply.

20 E. Nothing in this section prohibits or modifies a hospital's
21 ability or responsibility to bill a patient's health insurance or to
22 provide financial assistance as required by state or federal law.

23 F. A hospital, its employees, and its practitioners are immune
24 from suit in any action, civil or criminal, or from professional or

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other disciplinary action, for action or inaction in compliance with
this section.

SECTION 3. This act shall become effective November 1, 2023.

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